

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

DINEEN JOHNSON,)	CAUSE NO. 2:22-cv-00168
)	
Plaintiff,)	
)	
v.)	
)	
WAL-MART STORES EAST, LP,)	
WALMART, INC., C.P. FOOD)	
PRODUCTS INC. d/b/a CAPTN'S PACK)	
and C.P. FOODS USA,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Robert B. Thornburg, counsel for defendant, Wal-Mart Stores East, LP (also incorrectly sued as Walmart, Inc.), states:

1. On February 16, 2022, plaintiff filed her Complaint for Damages and Jury Demand against defendants Wal-Mart Stores East, LP (also incorrectly sued as Walmart, Inc.), in the Lake County Superior Court No. 10 of Indiana, under Cause No. 45D10-2202-CT-000165.

2. On April 15, 2022, plaintiff filed her First Amended Complaint for Damages and Jury Demand, adding co-defendants C.P. Food Products Inc. d/b/a Captn's Pack and C.P. Foods USA.

3. Wal-Mart Stores East, LP, is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company whose sole member is Walmart, Inc. The principal place of business for all entities mentioned is Bentonville, Arkansas. Walmart, Inc., a

Delaware corporation, is a publicly traded company on the New York Stock Exchange and traded under the symbol WMT. The principal place of business for Walmart, Inc. is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company. Thus, for purposes of diversity jurisdiction, Wal-Mart Stores East, LP and Walmart, Inc. are citizens of Delaware and Arkansas.

4. Co-defendant C.P. Food Products, Inc. is an Illinois corporation with its principal place of business in Maryland. C.P. Food Products, Inc. is a wholly owned subsidiary of Charoen Pokphand Foods Public Company Limited. For purposes of diversity jurisdiction, C.P. Food Products, Inc. is a citizen of Illinois and Maryland.

5. Co-defendant C.P. Food Products USA is believed to be dissolved and has no connection to C.P. Food Products, Inc. or the Walmart Defendants.

6. C.P. Food Products Inc. has been served with process, appeared by counsel and consents and joins this Notice of Removal.

7. Plaintiff is a citizen of the State of Indiana.

8. The matter in controversy exceeds \$75,000.00, exclusive of interests and costs as Plaintiff alleges she suffered significant and permanent personal injury and restriction of her daily activities due to those injuries. On May 26, 2022, Plaintiff forwarded a demand to counsel for the defendants well in excess of the jurisdictional limit of the Court to resolve her claims against the Defendants. Counsel asked Plaintiff to stipulate that the amount in controversy did not exceed \$75,000 and Plaintiff refused, reiterating Ms. Johnson claims that her injuries are significant, permanent and will require ongoing medical treatment and management.

9. This action does not arise under the Workmen's Compensation laws of any state; is not brought against a common carrier or its receivers or trustees; and, does not arise under 45 U.S.C. §§ 51-60. Therefore, this cause is removable to this Court under 28 U.S.C. § 1441(b).

10. This Notice of Removal is being filed with this Court within 30 days after receipt of information, specifically a demand from Plaintiff's counsel dated May 26, 2022, that is well in excess of the jurisdictional threshold for this court and Plaintiff's subsequent refusal to stipulate that the amount in controversy does not exceed \$75,000 exclusive of interests and costs, which now make the case removal to this Court under 28 U.S.C. § 1446(b)(3).

11. Copies of all process, pleadings, and orders served upon petitioner in the state court action are attached hereto. Promptly hereafter, written notice will be given to all adverse parties and to the Clerk of the Lake County Superior Court of Indiana, that this Petition for Removal is being filed with this Court.

WHEREFORE, defendant, Wal-Mart Stores East, LP (also incorrectly sued as Walmart, Inc.), prays that the entire state court action, under Cause No. 45D10-2202-CT-000165, now pending in the Lake County Superior Court of Indiana, be removed to this Court for all further proceedings.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Robert B. Thornburg

Robert B. Thornburg, #19594-02
*Attorneys for Defendant Wal-Mart Stores
East, LP (also incorrectly sued as Walmart,
Inc.)*

CERTIFICATE OF SERVICE

Service of the foregoing was made electronically this 24th day of June, 2022, addressed to:

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